

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID OLINEY TAYLOR,

Defendant.

Case No. CR03-5047RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Defendant's Motion for Extension of Time to File 28 U.S.C. §2255 Motion [Dkt. #139]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

The Ninth Circuit Court of Appeals issued an order denying Defendant's petition for rehearing and for rehearing en banc on October 24, 2008. Because he did not file a petition for certiorari, the judgment became final 90 days later, on January 26, 2009. See *Clay v. United States*, 537 U.S. 522, 525 (2003); Fed. R. Civ. P. 6(a). Because the Defendant has one year from the date the judgment became final to file his motion under 28 U.S.C. §2255, his time for filing a motion has not yet run. Therefore, Defendant's Motion for Extension of Time is not ripe for decision. Defendant's Motion for Extension of Time is **DISMISSED**.

**IT IS SO ORDERED.**

1 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party  
2 appearing pro se.

3 Dated this 6<sup>th</sup> day of November, 2009.

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5 RONALD B. LEIGHTON  
6 UNITED STATES DISTRICT JUDGE  
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